

**NURSING HOME ADMINISTRATOR EXAMINING BOARD  
MINUTES  
MAY 14, 2009**

**PRESENT:** Paul Peshek (connected by phone), Susan Kinast-Porter, Kenneth Arneson, David Egan, Loreli Dickinson and Mary Ann Clark

**EXCUSED:** Mary F. Pike, Heather Sheehan

**ABSENT:** Mary K. Lease

**STAFF PRESENT:** Gail Sumi, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Minute Taker; other Department staff were present for portions of the meeting

**GUESTS:** None

**CALL TO ORDER**

David Egan, Chair, called the meeting to order at 9:51 a.m. A quorum of six (6) members was present.

**AGENDA**

**Amendments to the Agenda:**

- Item “G” (closed session) Replace page 33 of the agenda packet with amended page 33.
- Item “F” (open session) Remove pages 29 and 30 of the agenda packet.
- After Item “N” (closed session) Add two cases under “Deliberation on Administrative Warnings or any received after printing of the agenda” as follows:
  - 05 NHA 029A (A.M.)
  - 05 NHA 029B (H.M.)

**MOTION:** Mary Ann Clark moved, seconded by Loreli Dickenson, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (FEBRUARY 12, 2009)**

**MOTION:** David Egan moved, seconded by Kenneth Arneson, to approve the minutes of February 12, 2009 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT  
GAIL SUMI, DIVISION ADMINISTRATOR**

The Board was advised of the merger of the Division of Board Services with the Office of Legal Counsel. It was explained that the intent of the merger was to improve services to the Board. Gail Sumi went on to explain the structure of the new division and announced that Colleen Baird will now serve as Legal Counsel to the Board. Colleen Baird introduced herself to the Board. The Board was then informed that the Department will be working to implement an electronic Board Survey by the fall of 2009. Also discussed is the possibility of the Department moving to paperless meetings noting that this initiative is still being researched. The Board discussed the possibility of moving to electronic agendas and examined the feasibility of pursuit. A number of staff changes were then reported to the Board by Gail Sumi.

**Introduction of New Division Administrator and New Executive Assistant, Hector Colon**

Gail Sumi introduced herself to the Board and indicated that she has been appointed as Administrator of the Division of Board Services. Gail Sumi also announced that going forward she will be the Board's Bureau Director.

Hector Colon joined the meeting to introduce himself as the new Executive Assistant for the Department and to provide knowledge regarding his function and advised of Department initiatives to conduct more outreach. Hector Colon and Gail Sumi updated the Board on the state of the pending budget.

**MOTION TO DESIGNATE HEARINGS AND APPEALS ATTORNEY AS ALJ**

Gail Sumi advised the Board that the Department is moving the Administrative Law Judge (ALJ) function to Division of Hearings and Appeals. The reason behind the move stemmed from concerns relating to conflict of interest as the ALJ's work in the same building as the prosecuting attorneys.

**MOTION:** David Egan moved, seconded by Mary Ann Clark, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR  
ANY SUBMITTED AFTER PRINTING OF THE AGENDA**

None.

**LEGISLATIVE/ADMINISTRATIVE RULES**

**Discussion of Impact of 2009 AB 75 (Budget Bill)**

The Board reviewed 2009 AB 75 and briefly discussed its impact. No action was taken by the Board.

**EXAMINATION, EDUCATION AND EXPERIENCE ISSUES**

**Discussion Regarding Continuing Education**

Ruby Jefferson-Moore came before the Board to review 2005-2006 Assembly Bill 32 relating to the requirements for examinations for nursing home administrator licenses and for reciprocal nursing home administrator licenses, creating an exemption from such requirements, and granting rule-making authority. The Board discussed issues relating to some of the proposed education exemptions. Conversation continued with discussion of an approach to legislative efforts. The Board reviewed the contents of AB 32 and determined which pieces of this bill to carry over to future legislative efforts. The Board thanked Ruby Jefferson-Moore for her service to the Board.

**MOTION:** Kenneth Arneson moved, seconded by Mary Ann Clark, to request that the Department draft legislation in support of nursing home administration education requirements indicating a minimum of bachelor's degree and including a provision for experience as specified in 2005-2006 Assembly Bill 32. Motion carried unanimously.

**MISCELLANEOUS CORRESPONDENCE/INFORMATION**

None.

**NEW BUSINESS**

None.

**PUBLIC COMMENTS**

None.

## **CLOSED SESSION**

**MOTION:** David Egan moved, seconded by Kenneth Arneson , to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.: Susan Kinast-Porter-yes; Kenneth Arneson-yes; David Egan-yes; Loreli Dickenson-yes; and Mary Ann Clark-yes. Motion carried unanimously.

Open Session recessed at 11:20 a.m.

## **RECONVENE IN OPEN SESSION**

**MOTION:** Kenneth Arneson moved, seconded by Mary Ann Clark, to reconvene in Open Session at 11:52 a.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **MONITORING REPORT OR ANY SUBMITTED AFTER MAILING OF AGENDA**

None.

## **CASE CLOSINGS AND CASE STATUS REPORT OR ANY SUBMITTED AFTER MAILING OF AGENDA**

### **06 NHA 038 & 07 NHA 001**

**MOTION:** David Egan moved, seconded by Kenneth Arneson, to close case 06 NHA 038 and 07 NHA 001 for prosecutorial discretion (P2). Motion carried unanimously.

### **07 NHA 018 & 07 NHA 026**

**MOTION:** Loreli Dickenson moved, seconded by David Egan, to close case 07 NHA 018 and 07 NHA 026 for prosecutorial discretion (P2). Motion carried unanimously.

### **07 NHA 045**

**MOTION:** Loreli Dickenson moved, seconded by Mary Ann Clark, to close case 07 NHA 045 for no violation. Motion carried unanimously.

**08 NHA 005**

**MOTION:** David Egan moved, seconded by Susan Kinast-Porter, to close case 08 NHA 005 for prosecutorial discretion (P2). Motion carried unanimously.

**08 NHA 048**

**MOTION:** Loreli Dickenson moved, seconded by Kenneth Arneson, to close case 08 NHA 048 for prosecutorial discretion (P2). Motion carried unanimously.

**08 NHA 050**

**MOTION:** Mary Ann Clark moved, seconded by Susan Kinast-Porter, to close case 08 NHA 050 for prosecutorial discretion (P2). Motion carried unanimously.

**08 NHA 052**

**MOTION:** Kenneth Arneson moved, seconded by David Egan, to close case 08 NHA 052 for no violation. Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATIONS OR ANY SIGNED AFTER MAILING OF AGENDA**

None.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS OR ANY RECEIVED AFTER PRINTING OF AGENDA**

**03 NHA 012**

**MOTION:** Kenneth Arneson moved, seconded by Susan Kinast-Porter, to issue an administrative warning in the matter of case number 03 NHA 012. Motion carried unanimously.

**05 NHA 029A (A.M.)**

**MOTION:** Mary Ann Clark moved, seconded by Kenneth Arneson, to issue an administrative warning in the matter of case number 05 NHA 029 (A.M.). Motion carried unanimously.

**05 NHA 029B (H.M.)**

**MOTION:** Susan Kinast-Porter moved, seconded by Kenneth Arneson, to issue an administrative warning in the matter of case number 05 NHA 029B(H.M.). Motion carried unanimously.

**PROPOSED DECISION OR ANY SIGNED AFTER PRINTING OF AGENDA**

None.

**PETITIONS FOR REHEARING RECEIVED AFTER THE MAILING OF AGENDA**

None.

**REQUEST FOR CLASS 1 HEARINGS OR ANY REQUESTED AFTER PRINTING OF AGENDA**

None.

**APPLICATION REVIEW OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**RENEWAL OF LICENSE OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**REINSTATEMENT REQUESTS OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**EXAMINATION ISSUES**

None.

## **CONSULTING WITH LEGAL COUNSEL**

None.

### **DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings**

Signatures were collected for all required items.

## **ADJOURNMENT**

**MOTION:** Kenneth Arneson moved, seconded by Loreli Dickenson, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.